
**DCSS P3 PROJECT
FAIR HEARINGS WORKGROUP
JULY 27, 2000 MEETING
MEETING SUMMARY**

A. GENERAL

On Thursday, July 27, 2000, the California Department of Child Support Services (DCSS) Policies, Procedures, and Practices (P3) Project, Fair Hearings Workgroup held its first official session in Sacramento. The following members attended:

- ☒ Carlos Rivera, State Co-Leader (DCSS)
- ☒ Wendy Weisler, County Co-Leader (Special Assistant---Los Angeles)
- ☒ Cindy Cunningham, State Analyst (DCSS Analyst)
- ☒ Diane Ward, County Analyst (FSO II---Sonoma)
- ☒ Steve Smith, Small County Rep (Director---Lassen)
- ☐ Katie Wallace, Medium County Rep (Senior FSO---Tulare)
- ☒ Lori Anderson, Large County Rep (Supervisor---San Bernardino)
- ☒ Cathy Dressler, Advocate (Children's Advocacy Institute---Sacramento)
- ☐ Leora Gershenzon, Advocate (Directing Attorney---National Center for Youth Law)
- ☒ Debbie Dominguez, SEIU Rep (FSO II---Los Angeles)
- ☒ Carla Kahl, Judicial Council Rep (Facilitator---Tulare)
- ☐ Liz Mechem, FTB Rep (Manager, Systems Reengineering---CCSAS)
- ☒ Victor Arguelles, FTB Rep (CCSAS Child Support Specialist)
- ☒ Judi Bentzien, FTB Rep (CCSAS Child Support Specialist)
- ☐ Ed Kent, FTB Rep (CCSAS Child Support Specialist)
- ☐ Ron Dotta, FTB Rep (CAMP)

Attending *ex officio* were:

- ☒ Julie Hopkins, Facilitator (SRA International)
- ☐ Pat Pianko, Resource (OCSE---Region 9)
- ☐ John Schambre, Resource (OCSE---Region 9)
- ☒ Kelly Davis for Katie Wallace

This meeting summary highlights points covered, material discussed decisions made, and follow-up tasks for forthcoming sessions. Comments and corrections should be addressed to Julie Hopkins at julie.hopkins@dss.ca.gov.

Julie Hopkins and Wendy Weisler opened the discussion with housekeeping issues and member introductions. Members were asked to discuss what expertise they brought to the group, as well as any personal or professional agendas they may have.

Introductions: What each of our interests are:

- Small County perspective: make laws work; simplify process.

- Large County perspective: All of us agree our focus is on resolving complaints. LA County has staffing and funding concerns.
- Represent all constituencies.
- State analyst perspective: brings analytical skills to the group
- State perspective: uniform statewide program and customer friendly.
- Complaint resolution supervisor perspective: Goal is to resolve all problems at the local level. Have zero fair hearings.
- Family law facilitator: create a simple process.
- FSO/LA – SEIU – represent worker interests perspective: Provide adequate customer service. Work closely with management to have a smooth transition.
- FTB/CCSAS perspective: System requirements information.
- Ombudsman perspective: looking to improve customer service.
- Legislator/advocacy representative perspective: involved in c/s reform; ensuring regulations and intent of legislators, advocates, etc. is implemented. More improved c/s system. Concern for families. Sponsored FH bill.

B. REVIEW OF LAST MEETING'S MINUTES AND RESEARCH REPORTING

Diane Ward – Research on how other counties handle dispute. Reviewed 12 county complaint resolution procedures. Common thread – most procedures were informal processes. Diane found that in some counties there are 1-3 people in each county that are assigned to a complaint resolution unit, otherwise complaints generally progress through each department from family support officer or assistant, to the supervisor etc. Two counties had an Ombudsman office. One county has assigned a Supervisor and one FSO assigned for this purpose. Generally, two counties have extensive complaint resolution programs. Not everyone has tracking, but written procedures available. When a call comes in and assigned to a caseworker, some counties have a formal timeframe for response, however, most counties have no specific time frame as written policy. Probably a time level exists at county level. We should look into this to make it into an action item for next session. (Action item)

Lori Anderson– Researched on the Internet complaint resolution procedures other than child support. Found that informal and formal process exists for procedure in other organizations. For example, the Dept. of Human Affairs has a mediation process – how can we use this to our benefit? Issues on how to handle complaints and which ones merit hearing. Lori found some information from Tanzania's procedure on how to monitor handling and investigate complaints received, as well as for Canada. Main concept everywhere is what we talked about at kick-off meeting.

Need to sort out information to see what can be used for our work group benefit.

Judi Bentzien - offered to have someone from FTB talk about the taxpayer bill of rights at our next P3 meeting, August 17. (Action item)

Kathy Dresslar - reported on how other states track their complaints and improve performance. One state even has a call back process to follow-up by phone with complainant. California will be the 2nd state that has a fair hearings process. Most states have call centers

and own complaint resolution procedure where they assign their best caseworkers to work out the complaint resolution. (Troubleshooters)

Kathy will find out what state has a FH process and get the good and bad things about the process so we can see what we can use. (Action item) Call centers have time frames and commitment, but have not formally established a complaint resolution process.

Carlos Rivera – Provided Ombudsman information from Director Curtis Child. There is approx. 25 million dollars to distribute to all counties for customer service. Nothing concrete yet. No answer as to what the ombudsperson is. His opinion is that it is more towards advocate and part of the local office. Information on how the funds will be spent will probably be shared soon.

Wendy Weisler – provided members of the group a copy of the fair hearing statute broken into segments for the purpose of easy review for issue spotting.

Action items carried over: (1) Look at the FH process handout provided by Carlos. Digest and comment on next meeting. This includes existing regulations for your reference. (2) Relevant Welfare & Institutions Codes broken into segments for review and issue spotting will be e-mailed by Wendy to have everyone look at and comment by next meeting. (3) Data capture (action item) for FTB to look at as well.

C. TODAY'S TENTATIVE AGENDA

1. Review individual concerns
2. Review previously assigned action items
3. Discuss local complaint resolution procedures
4. Review assignment of new action items, discuss draft of “white paper” and wrap up.

D. COMPLAINTS – LOCAL

I. Timeframes

Establish a point when a call triggers the 30-day or 90 time frame. Will it commence when the call comes in or when the NCP/CP sends back the signed complaint form? Again, how do we establish which calls will be a complaint – Can we resolve the complaint immediately or will this result in a formal complaint?

There was discussion as to whether each local facility should be able to receive a call and fill out form for public if necessary and the clock could start at that time. Some counties and advocate Kathy Dressler felt strongly that a call could trigger the statutory time frame. LA County believes a formal complaint should be placed in writing by the complainant. Receipt of the complaint by the local agency would trigger the 30-day response time frame, similar to the “Barnes” complaint procedure. But we eventually want something in writing from the party to make sure that a complaint is what they want. Potentially a complainant could electronically file a complaint. It will be easy (e-mail).

Time frame starts from date of complaint received. Goal is to have easy access to form complaints for all parties, including those with disabilities and language problems.

- Complaint received by (1) voice - eventually translated to written form (2) written (3) electronic (4) Uniform form

II. Research Process – screening (within 30 days)

- (1) Intake process
- (2) Log in and log out process
- (3) ID parties - additional interested parties?
- (4) Acknowledge/ Info. Required
- (5) Review process (paper process vs. appt one on one – due process)/ referral with other Counties
- (6) Tolling for cause
- (7) Management Approval
- (8) Written response with a uniform form throughout the state, along w/ a form provided to request a Fair Hearing.

- We have to take into consideration the already existing procedures, like Barnes complaints.
- In Tulare County, the Ombudsperson within the local office receives a complaint if and when the local agency can't fix it or are not satisfied, after following the chain in the local agency (i.e.. Call center, FSA, FSO, Senior FSO, Supervisor, then to Ombudsperson)

III. Resolution

- (1) Implementation of corrective action, if appropriate.
- (2) Log out
- (3) Data Capture
- (4) Refer corrective action – Global Systems.

IV. Requirements – how to get to the local complaint process.

- (1) State
- (2) All
- (3) Customer service for questions that are not related to c/s (i.e. providing telephone numbers to other agencies.

V. Timeframes 30 days to finish

- (1) Acknowledge complaint unless quickly resolved – time frame to be determined by individual counties because of short 30-day turnaround time (extensive discussion).
 - (2) Uniform forms
 - (3) Decision
 - (4) Postmark
- Receipt of a letter from each county within a short timeframe is a relief for the NCP/CP, but it creates a short timeframe for the counties to work with. It all depends

on each county and puts restrictions that may not be feasible. Two forms necessary one for acknowledge receipt and one to acknowledge receipt, but need more info.

E. ISSUES

- What is a complaint and when does it become a for mal complaint?
- What is a question and what is a complaint? Similar to Barnes process?
- When does the clock start clicking and the local level?
- What is the complaint process within the local level and how do we ensure that the process is followed?
- Who is really accountable for Local fault and to what extent?
- Maybe each county should have a standard form for the most asked questions to send out on public inquiries, to try and resolve informally before it goes to FH process.
- What kind of notices to CP/NCP for FH?
- In regards to the Focus hearings in San Luis Obispo and Los Angeles, it has been suggested that the Judicial counsel rep, do the presentation for the Judicial Counsel, A deputy D.A. represent at the D.A. and the Child advocacy rep be present for the advocacy hearings. This should ease each respective audience.

F. CROSS-WORKGROUP ISSUES

- **Staffing:** Staffing at all levels; answering telephones, services available to all NCP/CPs in any county, regardless of which county has ownership of the case
- **Training:** Employer's Responsibility
- **Non-Judicial Forms:** Development of the forms necessary to the Fair Hearing/County Complaint Resolution Process
- **Client Access:** Is there anyone else, other than the CP and NCP, who is eligible for child support services, and what services are available? Specifically, are other parties such as legal guardian, grandparent, and etc. eligible for services?
- **Performance Measures:** How will successes of the County Complaint Resolution/Fair Hearings Process be determined?

G. SYSTEM REQUIREMENTS

- Notification of complaint resolution
- Transferability of case (county to county) for resolution of complaint
- Corrective action of complaint (system issues)
- Timeframes (tickler for notification to caseworker)

H. HANDOUTS

- Minutes from last meeting
- Agenda for this and next four sessions
- Fair Hearing Process Paper
- Family Code Section 17800-17804 (distilled)

- Complaint Resolution/Fair Hearing Flowchart

I. ACTION ITEMS/HOMEWORK ASSIGNMENTS FOR NEXT SESSION

- See attached listing.

J. ANCILLARY (PARKING LOT) ISSUES

K. ATTACHMENTS

- Action Item List (incorporates Kickoff Conference Meetings and Session One)